

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

ODOM CONSTRUCTION SYSTEMS, LLC,)	CASE NO.:
)	
)	JUDGE
)	
Plaintiff,)	
)	
v.)	<u>NOTICE OF REMOVAL OF</u>
)	<u>CIVIL ACTION</u>
FRAMECO, INC.,)	
)	
Defendant.)	
)	

TO: UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE

NOW COMES Defendant FrameCo, Inc. ("FrameCo"), by and through its attorneys, and hereby notices removal of this suit, Odom Construction Systems, LLC v. FrameCo, Inc., Case No. 195014-1, from the Chancery Court for Knox County, Tennessee to the United States District Court for the Eastern District of Tennessee, and respectfully submits to this Honorable Court:

1. The Complaint in this case was filed by Plaintiff Odom Construction Systems, LLC ("Odom") in the Chancery Court for Knox County, Tennessee on or about December 21, 2017, and the Amended Complaint was filed on or about January 8, 2018 and was served upon FrameCo on or after February 22, 2018. Pursuant to 28 U.S.C. § 1446(a), copies of all process, pleadings, and orders served upon FrameCo are attached hereto as **Exhibit A**.

2. This Notice of Removal is being filed within thirty days of the receipt of the Complaint or Amended Complaint by Defendant FrameCo, as required by 28 U.S.C. § 1446(b).

3. This Court has original jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a) in that the parties to this actions are citizens of different states and the amount in controversy, exclusive of interest and costs, exceeds the sum of \$75,000.00.

4. Plaintiff alleges in its Amended Complaint that it is a citizen of the State of Tennessee. *See* Exhibit A, Amended Complaint at ¶ 1.

5. FrameCo is a citizen of the State of Ohio, where it has its principal place of business, and where it is incorporated. *See* Exhibit A, Amended Complaint at ¶ 2.

6. Odom has alleged specific damages in the Amended Complaint of at least \$500,000. *See* Exhibit A, Amended Complaint WHEREFORE clause. On this basis, FrameCo maintains that the amount of damages in controversy is greater than \$75,000.00.

7. Venue is proper in this court pursuant to 28 U.S.C. § 1441(a) in that this district embraces the place where the action is pending, Knox County, Tennessee.

8. As required by 28 U.S.C. § 1446(b), FrameCo has provided written notice of the filing of this Notice of Removal to Walter N. Winchester, Joshua R. Holden and Elizabeth A. Bowden, Winchester, Sellers, Foster & Steele, P.C., Suite 1000, First Tennessee Plaza, 800 S. Gay Street, Knoxville, Tennessee 37929, counsel for Plaintiff and will promptly file a copy of this Notice of Removal with the Clerk of the Chancery Court of Knox County.

WHEREFORE, Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant FrameCo removes this case from the Chancery Court for Knox County of the State of Tennessee to this Honorable Court.

Respectfully submitted,

s/ Oliver Adams

Oliver Adams

HODGES DOUGHTY & CARSON

617 Main Street

P.O. Box 869

Knoxville, TN 37901-0869

865.292.2225 (telephone)

oadams@hdclaw.com

Attorney for Defendant

NOT CURRENTLY APPEARING FOR
DEFENDANT BUT APPLICATION FOR
ADMISSION PRO HAC VICE FILED
CONTEMPORANEOUSLY:

David Posner

BAKER HOSTETLER LLP

Key Tower

127 Public Square, Suite 2000

Cleveland, Ohio 44114

216.621.0200 (telephone)

216.696.0740 (fax)

dposner@bakerlaw.com

Dustin M. Dow

BAKER HOSTETLER LLP

Key Tower

127 Public Square, Suite 2000

Cleveland, Ohio 44114

216.621.0200 (telephone)

216.696.0740 (fax)

ddow@bakerlaw.com

CERTIFICATE OF SERVICE

I, Oliver Adams, certify that on March 21, 2018, a true and correct copy of the foregoing Notice of Removal was filed electronically and is available for viewing and downloading from the ECF system. A true and correct copy of the same was served via U.S. mail, postage prepaid, upon the following:

Walter N. Winchester
Joshua R. Holden
Elizabeth A. Bowden
Winchester, Sellers, Foster & Steele, P.C.
Suite 1000, First Tennessee Plaza
800 S. Gay Street
Knoxville, Tennessee 37929

s/ Oliver Adams
Attorney for Defendant FrameCo, Inc.